Mr. SPEAKER.—The question is :

"That Clause 50 stand part of the Bill."

The motion was adopted.

Clause 50 was added to the Bill.

Mr. SPEAKER.—The question is :

"That Clause 1, the Short Title and the Preamble stand part of the Bill."

The motion was adopted.

Clause 1 the Short Title and the Preamble were added to the Bill."

Motion to Pass.

Sri H. M. CHANNABASAPPA.—I beg to move :

"That the Mysore Public Conveyances Bill, 1960, as passed be the Legislative Council and as amended be passed."

Mr. SPEAKER.—The question is :

"That the Mysore Public Conveyances Bill, 1960, as passed by the Legislative Council and as amended be passed."

The motion was adoped.

THE MYSORE ANCIENT AND HISTORICAL MONUMENTS AND ARCHAEOLOGICAL SITES AND REMAINS BILL, 1960 AS PASSED BY LEGISLATIVE COUNCIL.

Motion to consider.

Smt. GRACE TUCKER (Deputy Minister for Education).—I beg to move :

"That the Mysore Ancient and Historical Monuments and Archæological Sites and Remains Bill, 1960; as passed by the Legislative Council, be taken into consideration."

Mr. SPEAKER.—Motion moved :

"That the Mysore Ancient and Historical Monuments and Archæological Sites and Remains Bill, 1960, as passed by the Legislative Council be considered."

Smt. GRACE TUCKER.—This is a piece of legislation which was first introduced in the Council. The intention is to preserve the archaeological wealth, monuments and other antiquities of this new State. That does not mean there were no other Acts before this. In some parts of Mysore there were certain Acts. In the erstwhile Mysore State there was the Mysore Ancient Monuments Preservation Act, 1925. In Hyderabad there was the Hyderabad Ancient Monuments Preservation

Act, 1337 F and in the Bombay, Madras and Coorg areas of Karnatak there was the 1904 Central Act obtaining. There were various other monuments which would have to brought within the State list. Though the Central Act applies to national monuments, the Centre had advised the States to have their own pieces of legislation.

Meanwhile, the 1904 Act was replaced by the 1958 Act of the Centre. This enactment placed certain monuments under the jurisdiction of the Centre, since they were regarded as 'national monuments' and the others came within the purview of the State Government. As a result of the 1958 Act, certain monuments became deprotected and some thing had to be done to preserve them. The monuments in the areas of ex-Mysore and Hyderabed will come within the State lists but that is not so in regard to other areas. Therefore the Government thought it necessary to bring in an uniform Act throughout the State. The House would no doubt appreciate the need for an uniform law in order to protect antiquities, ancient monuments, the historical and monumental wealth of the State.

As far as the archaeological sites and remains,are concerned, they are of national importance. According to the Central Act of 1958, they come within the Union List and those which do not come in that list are placed in the concurrent list and that gives the State the responsibility to look after them along with the Centre.

The Bill is a simple one and I hope it would have the early approval of the House. The clauses enumerate the details. They prescribe penal consequences for improperly or non-maintenance of monuments and situes. I need not dwell at length about the clauses. I hope the Hon'ble Members will support the Bill and pass it.

†Sri J. B. MALLARADHYA.—Sir, it seems to have become a fashion for every member from the Treasury Benches and the Deputy Ministers to preface their remarks that a bill is very simple, non-controversial and so forth. I do not know if they went through a regular course of training and teaching to make such observations. I for one would consider this bill very important because it is calculated to put new life, vigour and jest in the reconstituted State of Mysore.

Smt. GRACE TUCKER.—I did not say that the Bill is not important. It is very important. I went to the length of saying that the ancient monuments are the cultural wealth of the State and must be preserved. I only said the Bill is simple.

Sri J. B. MALLARADHYA.—It is important though its provisions have been made complicated and complex owing to lack of adequate attention in regard to some of the actual measures proposed to be taken to preserve and maintain ancient monuments.

The Hon'ble Deputy Minister said that this Bill aims at bringing about uniformity. But what has happened in Bombay and Madras. The Central Act of 1904, as amended by the Act of 1958, was in force

(Sri J. B. MALLARADHYA)

in these two integrating areas and in the Statement of Objects and Reasons we find no mention of the operation of these enactments in the two areas and to that extent it is defectived.

I would like to ask if it is not possible for the Government of Mysore to enact a law in Mysore without depending upon the Central Act. That is a matter about which the Hon'ble Deputy Minister was reticent. I deprecate this discrimination in regard to ancient monuments situated within the limits of a State, between monuments of State importance and those of national importance. This kind of approach is harmful. In a democratic Republic this kind of distinction even in matters like preservation of ancient monuments is a thing which should deprecated and it must go. After all what is this concept of Indian culture, Indian civilization and Indian history. It is a composite culture; it is a composite India. It is made of regional cultures and regional civilization. Nowhere in the world do we find such a composite culture as the Hindu culture or the Indian civilization. That the Government of India should even remotely contemplate the existence of a kind of separatism, even in a matter like preservation of ancient monuments is a matter that does not appeal to me. Recently the newspapers have been full of measures designed to secure national integration. Is this one such measure? This kind of infusing separatism on small things would not promote integration of the nation. I for one consider that the culture of the entire country, if I may use that expression, is not a chemical mixture but a chemical compound. I feel that the Government of India is trying to make a bazarrable and marketable commodity. I am afraid that I cannot set my seal of approval to the existing state of affairs.

Who is to determine whether a monument is of national importance or not? I know of a number of ancient monuments which would compare favourably with the best of national monuments which are neglected and going into decay. The onus for this should be placed on the doors of both the State and Central Governments. They are national treasures, national assets. I am saying this because I find in the Statement of Objects and Reasons, the Central Government have advised the State Government not to depend upon the Centre but make their own laws, as if there was no such law existing in Mysore State at all. It looks as though it is the Centre alone that is wise and must interefere even in such things. Either due to helplessness or owing to a false sense of courtesy, there seems to be a tendency on the part of the State Government to fall a prey to the Centre and make enactments of this kind.

5-00 P.M.

It is against this background that I consider this to be a very important Bill and we must give a little more attention that ordinarily

possible. If I characterise this Bill as lacking in a sense of urgency in not fixing a scheme of priority and not deciding the relative importance of a matter, this is one of the Bills. I have always criticised in the last 3-4 years that a number of Bills which came before this House lapsed. Government have yet to bring as many as 50-60 Bills and this is one of that kind. I will give half a dozen institutions which deserve to come under the Ancient Monuments Preservation Act. The temple dedicated to Divyalingeswara in Haradanahalli in Nanjangud Sub-Division. Siddalingeswara in Yediyur; Chowdeswari in Narasangala; in Yelandur taluk Shadakshari Gaddige. Do you think that the remains of this great poet does not deserve to be preserved and maintained as an ancient monument? During the time of late Sri H. Siddiah, Minister, steps were taken to treat it as an ancient monument; they put up a structure and all that. Even to-day when I go that side in Yelandur, I see that nothing has been done. I wish to make one serious allegation against the Government of Mysore. It is the worst offender so far a offending the provisions of this Act is concerned. Even under the existing Act, they are the people who ought to be penalised in the worst manner possible, having regard to the lack of care and vigilance on their part in regard to this matter.

There is another matter which I should like to refer to. The time has come when in a scheme of education I consider that our young men and women should be regularly taken in batches to places where they find these ancient monuments. I advocated this in my educational reforms report. They are taking them to places which are not of historical or archeaological importance; they take them to see the Zoo, the Palace. It is perfectly all right, but they don't see the importance of these ancient monuments. These monuments are a source of inspiration to young men and women. Future Indian history would be made if only Government take proper steps to popularise the institutions. I remember the Andhra Government and the Tamil Nad Government under the leadership of my friend Mr. Kamaraja Nadar have brought out publications of a very attractive nature, giving details of the ancient monuments. They are worthy of preservation and maintenance and they come within the purview of the Ancient Monuments Preservation Act. People who come from different parts of the world can get those attractive handbooks. I do not see that Government has done anything concrete in that direction. We see publications like 'Mysore' in pictures, in figures. I have had occassions comment as far as these publications are concerned when I made budget speeches. Why I made that remark that the Government is lacking in a sense of relative priorities is, these monuments are a fertile source of education to our young men and women who are likely to become future leaders. If you don't take them to centres of culture and civilzation and the centres where the glories of the past cannot be revived and if they don't get inspired, Government have failed in their duty. In that context, this is a very important Act.

(Sri J. B. MALLARADHYA)

I wish the Deputy Minister had mentioned as to how this Bill is an improvement on the existing Mysore Ancient Monuments Preservation Act of 1925 as is in force in the erstwhile Mysore, what features of the Central Act of 1908 as amended by the Act of 1958 have been incorporated in this Bill so as to make the working of this Bill or the Act more effective and more pervading. I wish they had mentioned it. Similarly, what features of the Hyderabad Ancient Monuments Preservation Act are incorporated in this Bill. Supposing there is something very useful in those Acts. Neither in the Statement of Objects and Reasons nor in the preliminary remarks did I find any mention of this. I remember in the Revenue Manual some of the officers are expected to make periodical inspections of these centres of archealogical interest and ancient monuments. I wonder if during the career of these Ministers, any one of them has made it a point to go and see these monuments, apart from Halebid and Belur; have they look at it from the point of view of the importance of these under this Act? It is a very harrowing sight to see many of the ancient monuments being neglected. I do not know if at the Government level there is any review made of the report of inspections by the officers of these ancient monuments. Go to Hampe. If Hampe is not going to inspire us in India, and particularly those in the Karnatak and if they cannot see the serious states of neglect in Hampe and if the Ministers do not concert measures for improving that place, the Hampe ruins are getting ruined and more and more and a day will come, if this State of neglect goes on, when Hampe will cease to be a place of historical or archaelogical interest, nor would it be possible for them to preserve it as ancient monuments.

Mr. SPEAKER.—They are under the care of the Government of India.

Sri J. B. MALLARADHYA.—What did they do under the existing Act of 1925. The position will be clear to the Speaker when I say that there is no person called the Director of Archæology in Mysore State and Mysore rich, as it is rich in many other respects, in many ancient monuments and they are getting on which a person who is of the status of an Assistant Commissioner who is doing the duty of a Director of Archæology. It is obvious that they don't consider this departmental work as very serious work. It is a kind of approach by Government that makes me decide their action in this manner. My friend Mr. Madappa and some others have brought to my notice that Kowledurga in Thirthahalli is one such monument. There is no evidence of any departmental officer functioning in Mysore under the provisions of this Act to give effect to the attractive features of this Act at all. That is why I make this criticism.

Sir, having made these general observations, I should like to go through one or two clauses. I think, it is in the Select Committee

stage that sub-section (2) of section 2 of this Bill has been amplified. The word 'antiquity' has been defined. Sir, even now I fail to understand why the fresco-paintings which we find in some of the temples such as Badami, have not been brought under this definition. I do not know whether they would come at all. For example, the fresco like Pulikeshi receiving the Ambassador of Egypt is of very great historic interest and it has an artistic interest.

Then Sir, they say that the Director means the Director of Archeology. I have already made the observation that there is Director at all. I do not know who is doing the duty of the Director. I do not know why Government think that a whole-time Director is not necessary for this purpose. Coming to section 5, I want to know the procedure prescribed for this. I do not know whether under the rule making power they want to do this. Section 31 does not refer to the kind of procedure contemplated under sub-clause (2) of clause 5. Regarding sub-clause (4) of clause 5, here is a case of duel ownership. It is like a co-respondents or joint suitors of a property. This kind of a thing happens in the rural areas where two people would be after the same woman. This has to be suitably modified.

> "Sub-clause—(6) says: "Nothing in this section shall affect the use of any protected monument for customary religious observances."

Sir, I do not know what it refers to. Who is the regulating authority ? Again in clause 6, a duel control has been contemplated. How to harmonise is a matter on which the Bill is blissfully silent.

> "Clause 7 (2) says: "In the case of village property, the village officer or any other person exercising powers of management over such property may exercise the powers conferred upon an owner by section 6."

I want to know why after passing Village Panchayat Act and Local Boards Act. This matter should not be left to the Village Panchayat and why a Village Officer is contemplated ? That would be in consonance with the recent trends of decentralisation of power after the abolition of the Village Officers by Village Panchayats. Then, Sir, I am afraid that sub-section (2) of section 7, is out of tune having regard to the present situation. I do not know how the Hon'ble Deputy Minister is going to justify it. Probably, she may trot out an argument, if that is a Hindu temple, how do you entrust it to Muslim gentleman ? Supposing it is a Lingayat temple ; how do you give it to the hands of the Vokkaliga ? Is this national integration ? Has anybody thought of this in this Bill ? Sir, I am not talking off my head, but these are serious things which should have been considered much more seriously that What is thought of in the Bill.

Smt. GRACE TUCKER—What does the Hon'ble Member say about a Mosque ?

Sri J. B. MALLARADHYA.—The observation which I made in respect of Hindu temples will equally apply to Mosques and Churches. I am not making a distinction between a Mosque or a Church or a temple or a Gurudwar. The whole thing is out of tune. Sir, I would ask whether any provisions of this Bill repugnant to the constitutional provisions. I am raising a fundamental issue. Coming to section 16 about protection of place of worship. Sir, the Governmenet or the Director is competent to regulate the admission to the temple, but can they prohibit ? If an American Ambassador wants to see a temple, to get his favour, you will ask him to take off his shoe and admit him into the temple. Here, you want to prevent the entry ; I do not know whether you can do it. I can understand any restriction being placed in the case of a private temple ; if it is a public temple or public place, how can you prevent even by law? Sir, as you know, we have cave temples. There is one such in *Shivagange*. Lady Chetwood wanted to come and see it during my tenure of office and that was recommended by the Central Government to the Mysore Government. That was in the year 1936, but she could not be admitted because non-Hindus are not admitted there.

Sir, coming to proviso to section 20, this is rather curious. This shows the ridiculous knowledge they have about agriculture.

Supposing it is an orchard and supposing you want to plant a few coconut plants, or a few plantain plants, how many feet one will have to excavate ? Even if you allow paddy cultivation, you cannot scrap the earth and cultivate paddy. It looks un-realistic.

Sri H. M. CHANNABASAPPA.—Ordinary cultivation of either dry crops or wet crops which will involve excavating land over one foot depth will be prevented.

Sri J. B. MALLARADHYA.—My friend the Hon'ble Minister is a seasoned agriculturist as he is a seasoned Home Minister. I do not consider him to be a model in this respect. He is a good administrator. Sir, I know people think that because I appear in this dress, I do not know anything of agriculture. Garike grass has to be removed and one will have to go up to 10 feet even if neceesary. One will have to remove the grass from its roots. Some times you must go 3 to 4 feet deep. It says : "does not involve digging of not more than one foot".

Clause 23 says that Government may make an order for the compulsory purchase of the antiquity at its market value. This is some what in the nature of the provision which is found under the Land Acquisition Act and determining the quantum of compensation or the market value is such a difficult affair that a lot of case-law has been built round this. Supposing it is a coin or rare value and interest. How are you going to fix it ? Whether it is copper or brass or steel ? It is not worth more than the weight of the coin. Is that going to be the market value ? I want to ask the Hon'ble Deputy Minister whether she has applied her mind to the sub-section 19 (2) of the Central Act and I want to know why that very wholesome and salutary provision is

omitted. I invite the attention of the Hon'ble Deputy Minister to that section. Supposing I have a sentimental value which I attach to a particular thing ; and you do not give exemption and you want to order its compulsory purchase and you want to bring it within the ambit of penal clause—that would be very hard. When the Central Act makes that sort of a provision, why don't you incorporate it here ? I think it is something which should have been placed here.

Coming to section 25 (2), I have already suggested that it would be very hard if the concept of market value is strictly emphasised. supposing I give the instance of a coin relating to the time of Samudra Gupta. Those of us who studied history, we know of what great value it is. It is a matter of great historic value. What would be the market value for it ? The market value of the property goes on changing. The prevailing market value obtaining in the locality should be considered by the purchasing officer. Can the market value be so easily fixed in the case of things of rare value ? There are people in the habit of collecting coins of antiquity. This provision should be got changed.

Then I wish to close by making a reference to the financial provision made in this behalf. I know that in the Third Plan a sum of Rs. 1,50,000 is provided and for the year 1961-62, a sum of Rs. 26,000 is provided under the department of Archaeology as against the second Plan provision of Rs. 12,200. I want to know, many new places of archaeological interest and how many institutions are going to come within the purview of this legislation, and what is the provision made for their maintenance. I know in a place like Halebid and Belur you have an attender on a salary of Rs. 20. per mensem. I do not know whether he is under the control of the State Government or the Central Government. You expect an attender who gets Rs. 20 to stick to that ancient monument for all the 24 hours and he has not got any reliever or substitute. That is the way in which you have organised it. I wish to mention at this stage that it is grossly inadequate and Government do not show themselves to be in earnest about this Bill also. They only want to take credit for passing a number of Bills without being sincere about carrying out the intentions of the Bill or implementing it in material particulars.

6-00 P.M.

If the Government are realy anxious to swear by this Bill and if they want that the ancient monuments spread throughout the length and bredth of this State to be preserved, they must see that the provisions of this Bill are implemented and they must have a special agency available with a Director of Archæology having the necessary staff under him and they must make the Department of Education to make full use of this. I must lay the blame at the doors of Government that the way in which they are treating the ancient monuments and places of archaeological interest does not redound to

(Sri J. B. MALLARADHYA)

the credit to any Government. This is a flagrant violation of the trust reposed by successive Governments in trying to preserve the ancient monuments. This is one matter in which you have totally neglected your work as Government. I am sure the passing of this Bill will make the Government do something to preserve the relics of ancient glory and culture and civilization of this great State of ours.

Mr. SPEAKER.—I call upon the Deputy Minister for Education to give her reply.

Smt. GRACE TUCKER.—With regard to the remarks made by the Leader of the Opposition I must say that it is because we did not have single uniform piece of legislation in our State that this Bill has been brought in.

Mr. SPEAKER.—The Hon'ble Deputy Minister may continue the speech to-morrow.

The House now rises and will meet to-morrow at 8-30 A.M.

The House adjourned at Ten Minutes past Six of the Clock to mee again at Thirty Minutes past Eight of the Clock on Saturday, the 18th November 1961.